

S.B. Civil Writ Petition NO.2322/2005

Shri Gautham Rishi Mahadev Seva Samiti

vs

State of Rajasthan & Ors.

DATE OF ORDER : - 26.4.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr.BK Bhatnagar, for the petitioner.

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Heard learned counsel for the petitioner.

According to petitioner, one land was allotted to non-petitioner no.2 vide order dated 19th April, 1997, but the non-petitioner no.2 violated the condition of the allotment and did not raise the construction within a period of two years from the date of allotment, therefore, the allotment of the land in favour of the non-petitioner no.2 has been automatically cancelled in the terms of the allotment order. According to learned counsel for the petitioner, when the objection was raised, the non-petitioner no.2 put a foundation stone. It is submitted that the petitioner is also seeking allotment of land for construction of the hostel, therefore, either the land, which has been cancelled may be allotted to the petitioner or any alternate land may be allotted to the

petitioner, but that request has not been considered and accepted by the State authorities.

I considered the submissions of learned counsel for the petitioner. The two matters are entirely separate, one is challenging the allotment of the land in favour of the non-petitioner no.2 and another seeking allotment of the land on the basis of petitioner's own claim for setting up a hostel. The petitioner has not made out a case on the basis of which it can be found that the State authorities have not condoned the delay by their own conduct and when State authorities are not treating the plot cancelled, which was allotted to the non-petitioner no.2, this Court is not inclined to interfere in the matter whether there was reason for extension of time by implication or expressly in a matter of construction activities for which the condition may not be mandatory.

So far as claim of the petitioner for allotment of the land in petitioner's favour is concerned, for that purpose he may submit his representation before the competent authority, who may decide the representation of the petitioner and if the petitioner has already filed the representation, same may be considered by the authorities and may be decided by the authorities strictly in accordance with law not influenced by the order of this Court.

In view of the above, the writ petition of the petitioner is disposed of.

(Prakash Tatia), J.

c.p.goyal/-